

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Heights Apartments, LLC, and Walnut
Trails, LLLP,

Court File No. 20-CV-02051 (NEB/BRT)

Plaintiffs,

v.

**DECLARATION OF
MICHAEL GOODWIN**

Tim Walz, in his individual and his official
capacity as Governor of the State of
Minnesota, and Keith Ellison, in his
individual and his official capacity as
Attorney General of the State of Minnesota,
and John Doe,

Defendants.

MICHAEL GOODWIN states as follows:

1. I am an Assistant Attorney General for the State of Minnesota and represent Governor Tim Walz and Attorney General Keith Ellison in this matter.

2. I make this declaration in good faith based on my knowledge of the facts set forth herein, and on documents that are publicly available, but provided here for the convenience of the Court and the parties.

3. Attached as Exhibit 1 is a true and correct copy of the World Health Organization's website publication *Coronavirus Overview*, available online at www.who.int/health-topics/coronavirus#tab=tab_1.

4. Attached as Exhibit 2 is a true and correct copy of the U.S. Centers for Disease Control and Prevention's ("CDC") online publication *How COVID-19 Spreads*,

available online at www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html.

5. Attached as Exhibit 3 is a true and correct copy of L. Morawska and D. Milton, *It is Time to Address Airborne Transmission of COVID-19*, CLIN. INFECT. DIS., 2020 Jul. 6, available online at <https://academic.oup.com/cid/advance-article/doi/10.1093/cid/ciaa939/5867798>.

6. Attached as Exhibit 4 is a true and correct copy of the Minnesota Department of Health website publication, About Coronavirus Disease 2019 (COVID-19), www.health.state.mn.us/diseases/coronavirus/basics.html.

7. The Minnesota Department of Health has been gathering and publishing daily data about the impact of COVID-19 on our state. That information is available at a webpage called “Situation Update for the Coronavirus Disease 2019 (COVID-19)”, at <https://www.health.state.mn.us/diseases/coronavirus/situation.html>. I visited that page on October 15 after 11 a.m., when it is updated, and reviewed the “deaths data table” (health.state.mn.us/diseases/coronavirus/situation.html#death1), which reflected 2,199 total deaths. The Situation Update page also identified that 117,106 Minnesotans have tested positive for COVID-19 as of October 15, 2020.

8. The U.S. Centers for Disease Control and Prevention (“CDC”) gathers and publishes data each day about the impact of COVID-19 on our country. That information is available online at www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html. I visited that website after 2 p.m. on October 15, 2020, and it identified 216,025 total deaths in the United States from COVID-19.

9. Attached as Exhibit 5 is a true and correct copy of Christopher Snowbeck, *New Minnesota COVID-19 milestone shows significant amount of virus transmission, health officials say*, (Star Tribune, Oct. 11. 2020).

10. Attached as Exhibit 6 is a true and correct copy of Donald J. Trump, Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, March 13, 2020, available online at www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/.

11. Attached as Exhibit 7 is a true and correct copy of the University of Washington's Institute for Health Metrics and Evaluation COVID-19 projections for Minnesota, available online at <https://covid19.healthdata.org/united-states-of-america/minnesota>.

12. Attached as Exhibit 8 is a true and correct copy of true and correct copy of the University of Minnesota, Office of the Vice President for Research, Center for Infectious Disease Research and Policy ("CIDRAP") report, dated July 31, 2020, regarding the future of the COVID-19 pandemic.

13. Attached as Exhibit 9 is a true and correct copy of Coleman, J., *All 50 states under disaster declaration for first time in US history*, The Hill, April 12, 2020, available online at <https://thehill.com/policy/healthcare/public-global-health/492433-all-50-states-under-disaster-declaration-for-first>.

14. Attached as Exhibit 10 is a true and correct copy of *Free Minnesota Small Business Coalition v. Walz*, Order and Memorandum, Court File No. 62-CV-20-3507 (Ramsey Cnty. Dist. Ct.). This order was appealed September 10, 2020.

15. Attached as Exhibit 11 is a true and correct copy of *Ellison v. Schiffler et al*, Case No. 73-CV-20-3556, Order (Minn. Dist Ct., June 2, 2020).

16. Attached as Exhibit 12 is a true and correct copy of *Ellison v. Schiffler et al*, Case No. 73-CV-20-3556, Answer and Counterclaim (Minn. Dist Ct.). A motion to dismiss on the defendants' counterclaims was heard August 28, 2020.

17. Attached as Exhibit 13 is a true and correct copy of *In re Proposed Recall Petition to Request the Recall of Timothy James Walz*, Case No. A20-0748, Order (Minn. June 15, 2020).

18. Attached as Exhibit 14 is a true and correct copy of *In re Proposed Recall Petition to Request the Recall of Timothy James Walz*, Case No. A20-0984, Order (Minn. August 13, 2020).

19. Attached as Exhibit 15 is a true and correct copy of *In re Proposed Recall Petition to Request the Recall of Timothy James Walz*, Case No. A20-1231, Order (Minn. August 13, 2020).

20. Attached as Exhibit 16 is a true and correct copy of Order and Memorandum, *Buzzell v. Walz*, Ramsey County Case No. 62-CV-20-3623 (Oct. 9, 2020).

21. Attached as Exhibit 17 is a true and correct copy of Cases With An Eviction Judgment In Minnesota (Preliminary Analysis), available online at http://www.mnhousing.gov/get/MHFA_244956.

22. Attached as Exhibit 18 is a true and correct copy of Olson, Jeremy, and Smith, Mary Lynn, *Minnesota reports 29 COVID-19 deaths, new antigen test data*, (Star Tribune, Oct. 15, 2020.)

23. Attached as Exhibit 19 is a true and correct copy of the World Health Organization Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020, available online at www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020.

24. Attached as Exhibit 20 is a true and correct copy of Evans, Marisa, *Courts suspend some housing actions amid coronavirus concerns*, (Star Tribune, March 13, 2020).

25. Attached as Exhibit 21 is a true and correct copy of a document entitled Scientific Brief: SARS-CoV-2 and Potential Airborne Transmission, which is available at <https://www.cdc.gov/coronavirus/2019-ncov/more/scientific-brief-sars-cov-2.html>.

26. Attached as Exhibit 22 is a true and correct copy of a printout from the website of the National Governors Association entitled Status of State COVID-19 Emergency Orders. The website is available at <https://www.nga.org/state-covid-19-emergency-orders/> and was last visited on October 16, 2020.

27. Attached as Exhibit 23 is a true and correct copy of a letter from local elected officials to Minnesota Governor Tim Walz and Peggy Flanagan, dated September 8, 2020.

28. The National Health Care for the Homeless Council and its standing Research Committee partner with the Centers for Disease Control and Prevention (CDC)

to collect data from universal testing events at shelter or encampment-based service sites during the COVID-19 pandemic. The website for this partnership is located at <https://nhchc.org/cdc-covid-dashboard/home/> and contains data reflecting COVID-19 testing positivity rates for homeless shelter clients. I visited this website on October 16, 2020. Under the heading “State-Level COVID-19 Testing and Positivity Trends” it stated that the client positivity rate for Minnesota is 7.48 percent as of September 24, 2020. The client positivity rate for Iowa is 69.81 percent.

29. Unless otherwise indicated, each of the links referenced herein was last visited on October 15, 2020.

I DECLARE UNDER PENALTY OF PERJURY THAT EVERYTHING I HAVE
STATED IN THIS DOCUMENT IS TRUE AND CORRECT.

s/ Michael Goodwin
MICHAEL GOODWIN

Dated: October 16, 2020

County of Hennepin, State of Minnesota

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